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MF APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/003,812	01/07/98	BAN	G 041-1987

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WM01/0703

EXAMINER

GRIER, L

ART UNIT	PAPER NUMBER
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2644

9
DATE MAILED: 07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/003,812

Applicant(s)

BAN ET AL.

Examiner

Laura A Grier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 1, 4-5, and 7** are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Young, III (U. S. Patent No. 5694467).

Regarding **claim 1**, Young, III discloses an integrated sound/telephone headset system. Young, III disclosure teaches dual communication between an audio source and telephone using earphones and/or headset. (Figures 1-3 and abstract). Young's disclosure inherently teaches the connection of a first plug and a second plug connectable between an audio device and portable communication device, respectively (figures 1-3 and col. 2, line 2, lines 45-49); a speaker (44) which is indicative of a electroacoustical transducer connected to the first and second plug; and the control box (20) constitutes as means of controlling the level of the first signal (col. 4, lines 5-7).

3. **Claim 2** is rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Young, III.

Regarding **claim 2**, Young, III discloses an integrated sound/telephone headset system. Young, III disclosure teaches dual communication between an audio source

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and telephone using earphones and/or headset. (Figures 1-3 and abstract). Young's disclosure inherently teaches the connection of a first plug and a second plug connectable between an audio device and portable communication device, respectively (figures 1-3 and col. 2, line 2, lines 45-49); a speaker (44) which is indicative of an electroacoustical transducer connected to the first and second plug. Further, Young, III provides teachings of the control box as means for generating a detection signal of the telephone, and for disconnecting the first plug and connecting the first plug (col. 4, lines 39-41, 64-67, and col. 5, lines 1-7).

Regarding **claims 4 and 5**, Young, III discloses everything claimed as applied above (see claims 1 and 2, respectively). Further, Young, III inherently discloses a microphone and a switch all in relation to the function of the control box (col. 3, lines 52-53).

Regarding **claim 7**, Young discloses everything claimed as applied above (see claim 1). Young discloses the means of controlling the level of the first signal being separate from the two devices with the control box (20).

4. **Claim 6** is rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Young, III.

Regarding **claim 6**, Young, III discloses an integrated sound/telephone headset system. Young, III disclosure teaches dual communication between an audio source and telephone using earphones and/or headset. (Figures 1-3 and abstract). Young's disclosure inherently teaches the connection of a first plug and a second plug

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connectable between an audio device and portable communication device, respectively (figures 1-3 and col. 2, line 2, lines 45-49); and a speaker (44) which is indicative of a electroacoustical transducer connected to the first and second plug. As well, Young in col. 4, lines 24-27 teaches means of increasing one of the levels of the two device while decreasing another.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Young, III in view of Slater (U. S. Patent No. 4941187).

Regarding **claim 3**, Young, III discloses everything as applied above (see claim 2). However, Young, III fails to specifically disclose means of regulating/controlling the signals at predetermined reference levels. The examiner maintains that the means of regulating/controlling signals for predetermined reference levels was well known in the art, as taught by Slater.

Regarding the predetermined reference levels, in a similar field of endeavor, Slater discloses an intercom apparatus for integrating disparate audio sources for use in light aircraft or similar high noise environments. Slater disclosure teaches means for regulating the signal level at predetermined stages (columns 10, lines 44-56).

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Young, III by providing means of regulating the signal level at predetermined levels for the purpose of effectively and cautiously controlling the operation and function of the devices during different phase of operation when the portable communication device is in use.

Citation of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mack, II et al., U. S. Patent No. 5991637, discloses integrated passive and active communications system.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant provided verification of foreign priority (along with U. S. translation) over the previously used primary reference, Tuoriniemi et al. Thus the examiner has provided another reference in support of the claimed invention.


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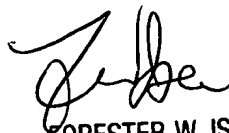
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday – Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
June 27, 2001


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700